REMARKS

I. Introduction

Claims 1 to 34 are pending in the present application. In view of the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

II. Allowed Subject Matter

Applicants note with appreciation the indication that claims 5, 7, and 8 are allowed.

III. Provisional Double Patenting Rejection

As regards the provisional double patenting rejection, while Applicants do not necessarily agree with the merits of this provisional rejection, Applicants are prepared to file a terminal disclaimer over U.S. Patent Application Serial No. 10/360,889 upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for allowance.

IV. Rejection of Claims 1 to 4, 6, 9, 10, and 25 to 34 Under 35 U.S.C. § 102(e)

Claims 1 to 4, 6, 9, 10, and 25 to 34 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,674,865 ("Venkatesh et al."). It is respectfully submitted that Venkatesh et al. do not anticipate the present claims for at least the following reasons.

Claim 1 relates to a "method for operating a voice-supported system in a motor vehicle," including the feature of "determining a power of a signal as a function of frequency," and the feature of "adjusting the bandpass filter at least as a function of a ***derivative*** of the power of the signal with respect to frequency." Venkatesh et al. do not disclose or, even suggest, adjusting a bandpass filter at least as a function of a ***derivative*** of a power of a signal with respect to frequency. Nothing in Venkatesh et al. discloses or suggests a ***derivative*** of a power of a signal with respect to frequency. Indeed, Venkatesh et al. in no manner discusses or even references a ***derivative*** of a signal at all. Therefore, Venkatesh et al. cannot be considered to disclose or suggest adjusting a bandpass filter at least as a function of a ***derivative*** of a power of a signal with respect to frequency.

It is, of course, "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Thus, a reference does not anticipate a claim if ***any*** aspect of the claim is not identically disclosed.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 1 or any claim that depends from claim 1.

Claim 3 relates to a "method for operating a voice-supported system in a motor vehicle," including the feature of "determining the local maximum of the power of the signal as a function of the ***derivative*** of the power of the signal with respect to frequency." As explained above, Venkatesh et al. do not disclose or even suggest a ***derivative*** of a power of a signal with respect to frequency. In addition, Venkatesh et al. do not disclose or suggest determining a local maximum of a power of a signal. Therefore, Venkatesh et al. also do not disclose or suggest determining a local maximum of the power of a signal as a function of a ***derivative*** of a power of a signal with respect to frequency.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 3.

Claim 4 relates to a "method for operating a voice-supported system in a motor vehicle," including the feature of "determining the local maximum of the power of the signal as a function of a first ***derivative*** of the power of the signal with respect to frequency." As explained above, Venkatesh et al. do not disclose or suggest determining a local maximum of a power of a signal as a function of a first ***derivative*** of a power of a signal with respect to frequency.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 4.

Claim 6 relates to a "method for operating a voice-supported system in a motor vehicle," including the feature of "adjusting the bandpass filter at least one of as a function of at least one local maximum of the power of the signal as a function of the frequency and as a function of a ***derivative*** of the power of the signal with respect to frequency," where "the bandpass filter is adjusted in the adjusting step as a function of a first ***derivative*** of the power of the signal with respect to frequency." As explained above, Venkatesh et al. do not disclose or suggest that a bandpass filter is adjusted in an adjusting step as a function of a first ***derivative*** of a power of a signal with respect to frequency."

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 6.

Claim 26 relates to a "device for operating a voice-enhancement system," including the feature of "decision logic configured to adjust the bandpass filter at least as a function of a ***derivative*** of a power of the signal with respect to frequency." As explained above, Venkatesh et al. do not disclose or suggest a ***derivative*** of a power of a signal with respect to frequency. Therefore, Venkatesh et al. also do not disclose or suggest a decision logic configured to adjust a bandpass filter at least as a function of a ***derivative*** of a power of a signal with respect to frequency.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 26, or claims 27, 28, and 32, which depend from claim 1.

Claim 29 relates to a "device for operating a voice-enhancement system," including the feature of "an arrangement configured to adjust the bandpass filter at least as a function of a ***derivative*** of the power of the signal with respect to frequency." As explained above, Venkatesh et al. do not disclose or suggest a ***derivative*** of a power of a signal with respect to frequency. Therefore, Venkatesh et al. cannot be considered to disclose or suggest an arrangement configured to adjust a bandpass filter at least as a function of a ***derivative*** of a power of a signal with respect to frequency.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 29, or claim 33, which depends from claim 29.

Claim 30 relates to a "device for operating a voice-enhancement system," including "means for adjusting the bandpass filter at least as a function of a ***derivative*** of the power of the signal with respect to frequency." As explained

above, Venkatesh et al. do not disclose or suggest a ***derivative*** of a power of a signal with respect to frequency. Therefore, Venkatesh et al. cannot be considered to disclose or suggest means for adjusting a bandpass filter at least as a function of a ***derivative*** of a power of a signal with respect to frequency.

Therefore, it is respectfully submitted that Venkatesh et al. do not anticipate claim 30, or claim 34, which depends from claim 30.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 11 to 24 Under 35 U.S.C. § 103(a)

Claims 11 to 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,674,865 ("Venkatesh et al.") and U.S. Patent No. 6,252,969 ("Ando"). It is respectfully submitted that the combination of Venkatesh et al. and Ando does not render claims 11 to 24 unpatentable for at least the following reasons.

Claims 11 to 24 depend from claim 1. As explained above Venkatesh et al. do not disclose or suggest all of the features of claim 1. Since Ando does not cure the critical deficiencies of Venkatesh et al., the proposed combination does not disclose or suggest all of the features of claim 1, or of claims 11 to 24, which depend from claim 1. Therefore, it is respectfully submitted that the proposed combination of Venkatesh et al. and Ando does not render unpatentable claims 11 to 24.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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